IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY SEVENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 23828 of 2004

Between:

Asghar Ali, S/o. Late Mushtafa Ali,
R/o. H.No. 9-1-7, Hasham Nagar, langerhouse, Hyderabad-8.

..... PETITIONER

AND

1 The Commissioner of Police, Hyderabad.
2 The Dy. Commissioner of Police, West Zone, Hyderabad.
3 The Circle Inspector of Police, langer Hosue, Hyderabad.
4 The Sub-Inspector of Police, langerhouse Police Station, Hyderabad.
5 Shabbir Ali, S/o. Zakier Ali,
H.No. 9-1-11, Hasam Nagar, Langerhouse, Hyderabad.
6 Riaz S/o.
H.No. 9-1-11, Hasam Nagar, Langerhouse, Hyderabad.
7 Ahmed,
H.No. 9-1-11, Hasam Nagar, Langerhouse, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue a writ of Mandamus or any other appropriate Writ, Order or direction declaring the inaction of the 3rd and 4th respondents in not investigating in to the complaint submitted by the petitioner dt. 2.12.2004 as arbitrary, illegal, unconstitutional and against the provisions of Criminal Procedure Code and consequently direct the 3rd and 4th respondent to investigate in the complaint submitted by the petitioner and pass such other order or orders as this Honourable Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner:MR.T.NAGARJUNA REDDY

Counsel for the Respondents 1 to 4: GP FOR HOME

The Court at the stage of admission made the following ORDER:

Petitioner states that he submitted a complaint on 02.12.2004 before the S.H.O., P.S. Langerhouse alleging that respondents 5 to 7 are deliberately and mischievously parking their auto rickshaws in front of his house and when he objected for the same, they threatened that they would burn the vehicles and throw the blame on him. His grievance is that respondents 3 and 4 have not taken any action so far on the complaint made by him and the nuisance is continuing. He seeks appropriate directions to respondents 3 and 4 in this regard.

Heard learned counsel for the petitioner and learned Government Pleader for Home.

The petitioner submitted a complaint against respondents 5 to 7 alleging certain criminal acts against them. Even if it is true that respondents 3 and 4 have not taken any action on the complaint of the petitioner, it is not as if he is without any remedy. Taking cognizance of the offences on the report submitted by the police is one of the methods under Section 190 Cr.P.C. The aggrieved person can submit a complaint directly before the Magistrate concerned, under Section 200 Cr.P.C. Issuing any direction to the police to register a case is not a known practice in law. It is only when there is a clear dereliction of duties on the part of the police that such a course can be resorted to.

For the foregoing reasons, the writ petition is disposed of leaving it open to the petitioner to avail the remedy under Section 200 Cr.P.C. before the appropriate Court. There shall be no order as to costs.

27.12.2004

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To

1 The Commissioner of Police, Hyderabad.
2 The Dy. Commissioner of Police, West Zone, Hyderabad.
3 The Circle Inspector of Police, langer Hosue, Hyderabad.
4 The Sub-Inspector of Police, langerhouse Police Station, Hyderabad.
5 Two CCs.to the G.P. for Home, High Court of A.P., Hyderabad(OUT).

6 Two CD copies.